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10/654,771	09/04/2003	Walter Clark Milliken	SVIPGP085	7545

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The Caldwell Firm, LLC
PO Box 59655
Dept. SVIPGP
Dallas, TX 75229

EXAMINER
CHANG, JULIAN

ART UNIT	PAPER NUMBER
2452	

NOTIFICATION DATE	DELIVERY MODE
01/13/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pcaldwell@thecaldwellfirm.com
lcaldwell@thecaldwellfirm.com
depoma@stragent.com

		Application No.	Applicant(s)
Office Action Summary		10/654,771	MILLIKEN ET AL.
		Examiner	Art Unit	
		JULIAN CHANG	2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 December 2010</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-30 and 67-133</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-17,19-30 and 67-133</u> is/are rejected.

7) ☒ Claim(s) <u>18</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office action is responsive to communication filed on 12/22/10. Claims 1-

30, and 67-133 are pending. Claims 1-17, 19-30, and 67-133 are rejected.

Information Disclosure Statement

2.   The information disclosure statement filed 10/06/10 fails to comply with 37

CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e). It has been

placed in the application file, but the information referred to therein has not been

considered.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

4.   Claims 70-133 are rejected under 35 U.S.C. 101 because the claimed invention

is directed to non-statutory subject matter.

5.   Claims 70-101 are drawn to a "computer program product embodied on a

tangible computer readable medium". The specification is silent regarding the meaning

of the term "tangible computer readable medium". Thus, applying the broadest

reasonable interpretation in light of the specification and taking into account the

meaning of the words in their ordinary usage as they would be understood by one of

ordinary skill in the art (MPEP § 2111), the claim as a whole covers both transitory and

non-transitory media. A computer program product is considered to be functional

descriptive material, which is statutory only if *recorded* on non-transitory computer-

readable medium. MPEP 2106.01.

Claim Rejections - 35 USC § 103

6.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

7.   Claims 1-3, 5, 11-15, 17, 22-26, 28, 67-72, 74, 80-84, 86, 91-95, 97, 99-104, 106,

107, 112-116, 118, 123-127, 129, and 131-133 are rejected under 35 U.S.C. 103(a) as

being unpatentable over U.S. Pat. No. 6,460,050 ("Pace"), and further in view of U.S.

Pub. No. 2002/0199095 ("Bandini"), U.S. Pub. No. 2004/0221062 ("Starbuck"), and U.S.

Pub. No. 2003/0120647 ("Aiken").

8.   Bandini, Starbuck and Aiken are intervening references. After reviewing

applicant's priority documents, it has been determined that the priority documents do not

support the relevant claim limitations with a sufficient date to overcome the intervening

references.

9.   Regarding claims 1, 70, and 102, Pace teaches a method, a computer program

product implementing said method, and a system implementing said method, said

method comprising:

receiving a plurality of e-mail messages (Fig. 2, Col. 3, lines 32-58); and

generating hash values, as generated hash values, based a plurality of portions of each message body of the plurality of e-mail messages ('digital ID...may be..multiple hashes', 'hash may be of...portions of the body', Col. 4, lines 1-14).

Pace fails to teach counting a number of the generated hash values corresponding to the message body associated with one of the plurality of e-mail messages that match the hash values corresponding to the message body associated with prior e-mail messages; and utilizing a settable score-related threshold, determining that one of the plurality of e-mail messages is a potentially unwanted e-mail message, the determination being based, at least in part, on the number of generated hash values corresponding to the message body associated with one of the e-mail messages that match the hash values corresponding to the message body associated with the prior email messages.

Bandini teaches keeping a running comparison score ('running comparison score', ¶ [0023]) of the generated hash values corresponding to the message body ('hash computation result based on the message body, or portions of the message body', ¶ [0025]) associated with one of the plurality of e-mail messages that match the hash values corresponding to the message body associated with prior e-mail messages (¶ [0038]); and utilizing a settable score-related threshold (¶ [0021]), determining that one of the plurality of e-mail messages is a potentially unwanted e-mail message, the determination being based, at least in part, on the number of generated hash values corresponding to the message body associated with one of the e-mail messages that

match the hash values corresponding to the message body associated with the prior

email messages (Fig. 3). It would have been obvious to one of ordinary skill in the art at

the time of applicant's invention to performing the steps of counting, and determining as

taught by Bandini in order to effectively reduce the amount of SPAM received by a user.

Pace-Bandini fails to teach processing e-mail messages by removing HTML

comments and HTML tags from the e-mail messages, and performing hashing based on

the processed e-mail messages. Starbuck teaches processing e-mail messages by

removing HTML comments and HTML tags from the e-mail messages, and performing

hashing based on the processed e-mail messages (¶ [0007], [0009], [0048]). It would

have been obvious to one of ordinary skill in the art at the time of applicant's invention to

removing HTML from e-mail messages prior to hashing as taught by Starbuck in order

to prevent HTML comments from circumventing SPAM filters.

Pace-Bandini-Starbuck fails to teach counting a number of hashes that match.

Aiken teaches determining how well something matches based on whether the number

of hashes that match exceed a threshold (¶ [0077]). It would have been obvious to one

of ordinary skill in the art at the time of applicant's invention to determine how well

something matches as taught by Aiken in order to efficiently provide better matches.

10.   Regarding claim 2, 71, and 103, Pace-Bandini-Starbuck-Aiken teaches the

invention substantially as claimed and described in claims 1, 70, and 102 above,

including performing a plurality of hashes on a plurality of variable-sized blocks of a

main text of the plurality of e-mail messages (Pace: 'all of the body or portions of the

body', Col. 4, lines 1-14). Since the main texts of messages are not all the same length, the block (i.e., body) is variably-sized.

11.   Regarding claim 3, 72, and 104, Pace-Bandini-Starbuck-Aiken teaches the invention substantially as claimed and described in claims 1, 70, and 102 above, including performing a plurality of hashes on a plurality of fixed-sized blocks of a subject line (Pace: 'some number of characters of the subject line', Col. 4, lines 1-14), but fails to teach doing so for fixed-sized blocks of the main text.

In <u>KSR Int'l. Co. v. Teleflex Inc.</u>, the Court recognized that "if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill". 127 S.Ct 1727, 1740 (2007). In the instant case, one of ordinary skill would recognize that SPAM messages are modified slightly in order to avoid exact matching by SPAM filters. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the technique taught in Pace to fixed-sized blocks of main text in order to make it harder for SPAM senders to circumvent SPAM filters

12.   Regarding claim 5, 74, and106, Pace-Bandini-Starbuck-Aiken teaches the invention substantially as claimed and described in claims 1, 70, and 102 above, including performing a plurality of hashes on a main text of the plurality of e-mail messages using a same hash function (Pace: 'MD5', Col. 4, lines 1-14).

13.   Regarding claim 11, 80, and 112, Pace-Bandini-Starbuck-Aiken teaches the invention substantially as claimed and described in claims 1, 70, and 102 above, including comparing the generated hash values to hash values corresponding to known unwanted e-mails (Pace: Col. 6, lines 1-18).

14.   Regarding claim 12, 81, and 113, Pace-Bandini-Starbuck-Aiken teaches the invention substantially as claimed and described in claim 11, 80, and 112 above, including that known unwanted e-mails include at least one of e-mails containing a virus, e-mails containing a worm, and unsolicited commercial e-mails (Pace: 'spam', Col. 6, lines 1-18).

15.   Regarding claims 13, 82, and 114, Pace teaches the invention substantially as claimed and described in claims 1, 70, and 102 above, including hashing at least one of a main text and an attachment to generate one or more first hash values (Pace: 'all of the body or portions of the body', Col. 4, lines 1-14), and hashing a concatenation of first and second header fields to generate a second hash value (Pace: Col. 4, lines 1-14; Bandini: para. [0026]).

16.   Regarding claims 14, 83, and 115, Pace-Bandini-Starbuck-Aiken teaches the invention substantially as claimed and described in claims 13, 82, and 114 above, including a From header field and a To header field (Bandini: para. [0026]).

17.   Regarding claims 15, 84, and 116, Pace-Bandini-Starbuck-Aiken teaches the

invention substantially as claimed and described in claims 13, 82, and 114 above,

including generating a first and second suspicion count (Bandini: Fig. 3, step 66

compares various message attributes to data in database (i.e., previous hash values)).

18.   Regarding claim 17, 86, and 118, Pace-Bandini-Starbuck-Aiken teaches the

invention substantially as claimed and described in claims 1, 70, and 102 above,

including taking remedial action when the one of the plurality of e-mail messages is a

potentially unwanted e-mail message, the taking remedial action including at least one

of: discarding the one of the plurality of e-mail messages, bouncing the one of the

plurality of e-mail messages, marking the one of the plurality of e-mail messages with a

warning, subjecting the one of the plurality of e-mail messages to a virus or worm

detection process, creating a notification message, and generating a suspicion score for

the one of the plurality of e-mail messages and using the suspicion score to identify

further processing for the one of the plurality of e-mail messages (Pace: 'subject line

may be appended to indicate that the e-mail is "spam", Col. 5, lines 41-54).

19.   Regarding claim 22, 91, and 123, Pace-Bandini-Starbuck-Aiken teaches the

invention substantially as claimed and described in claims 1, 70, and 102 above,

including comparing the generated hash values to known legitimate mailing lists; and

passing the plurality of e-mail messages without further examination when the

generated hash values match one or more of the known legitimate mailing lists (Pace: 'exceptions', Col. 6, lines 18-34).

20.   Regarding claim 23, 92, and 124, Pace-Bandini-Starbuck-Aiken teaches the invention substantially as claimed and described in claim 22, 91, and 123 above, including determining whether the plurality of e-mail messages originated from the known legitimate mailing lists (Pace: Col. 6, lines 18-34).

21.   Regarding claims 24, 93, and 125, Pace-Bandini-Starbuck-Aiken teaches the invention substantially as claimed and described in claims 1, 70, and 102 above, including hashing a main text to generate a first hash value (Pace: 'all of the body or portions of the body', Col. 4, lines 1-14), and hashing sender-related header fields (Bandini: 'sender address', para. [0026]).

22.   Regarding claims 25, 94, and 126, Pace-Bandini-Starbuck-Aiken teaches the invention substantially as claimed and described in claims 24, 93, and 125 above, including that a sender-related header fields include at least one of a From header field, a Sender header field, and a Reply-To header field (Bandini: para. [0026]).

23.   Regarding claims 26, 95, and 127, Pace-Bandini-Starbuck-Aiken teaches the invention substantially as claimed and described in claims 24, 93, and 125 above,

including generating a first and second suspicion count (Bandini: Fig. 3, step 66

compares various message attributes to data in database (i.e., previous hash values)).

24.   Regarding claim 28, 97, and 129, Pace-Bandini-Starbuck-Aiken teaches the

invention substantially as claimed and described in claims 1, 70, and 102 above,

including hashing a main text of the plurality of e-mail messages to generate a main text

hash (Pace: 'all of the body or portions of the body', Col. 4, lines 1-14), and hashing at

least one header field of the plurality of e-mail messages to generate at least one

header hash (Pace: 'header', Col. 4, lines 1-14).

25.   Regarding claims 67, 99, and 131, Pace-Bandini-Starbuck-Aiken teaches the

invention substantially as claimed and described in claims 1, 70, and 102 above,

including processing e-mail messages before generating hash values (Starbuck: ¶

[0009]).

26.   Regarding claims 68, 100, and 132, Pace-Bandini-Starbuck-Aiken teaches the

invention substantially as claimed and described in claims 1, 70, and 102 above,

including processing e-mail messages in parallel with generating hash values (Starbuck:

¶ [0009], 'concurrently', ¶ [0025]).

27.   Regarding claims 69, 101, and 133, Pace-Bandini-Starbuck-Aiken teaches the

invention substantially as claimed and described in claims 1, 70, and 102 above,

including that the portions of each message body of the plurality of e-mail messages
that have been processed includes blocks (Pace: 'portions of the body', Col. 4, lines 1-
14).

28.   Claims 4, 73, and 105 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Pace-Bandini-Starbuck-Aiken as applied to claims 1, 70, and 102
above, and further in view of U.S. Pat. No. 6,169,969 ("Cohen").

29.   Regarding claims 4, 73, and 105, Pace-Bandini-Starbuck-Aiken teaches the
invention substantially as claimed and described in claims 1, 70, 102 above, but fails to
teach performing a plurality of hashes on a main text of the plurality of e-mail messages
using a plurality of different hash functions.

        Cohen discloses employing multiple hash functions (Col. 2, lines 1-21)
(describing Bloom). It would have been obvious to one of ordinary skill in the art at the
time of applicant's invention to employ multiple hash functions as disclosed in Cohen in
order to improve false alarm rates.

30.   Claims 6, 75, and 107 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Pace-Bandini-Starbuck-Aiken as applied to claims 1, 70, and 102
above, and further in view of U.S. Pub. No. 2003/0167402 ("Stolfo"), and U.S.
2002/0152399 ("Smith").

31.   Stolfo and Smith are intervening references that qualify as prior art because the

Office was unable to find in applicant's priority documents support for the claim

limitations for which Stolfo and Smith are relied upon.

32.   Regarding claims 6, 75, and 107, Pace-Bandini-Starbuck-Aiken teaches the

invention substantially as claimed and described in claims 1, 70, and 102 above, but

fails to teach performing hashes on attachments.

        Stolfo teaches performing hashes on attachments ('MD5', para. [0045]). It would

have been obvious to one of ordinary skill in the art at the time of applicant's invention

to perform hashes on attachments as taught by Stolfo in order to detect malicious

attachments.

        Pace-Bandini-Starbuck-Aiken-Stolfo fails to teach attempting to decompress an

attachment prior to hashing. Smith teaches decompressing an attachment prior to

determining whether the attachment contains an exploit (Fig. 6; para. [0071]). It would

have been obvious to one of ordinary skill in the art at the time of applicant's invention

to decompress an attachment prior to scanning as taught by Smith in order to find

hidden exploits in an attachment.

33.   Claims 7, 8, 10, 76, 77, 79, 108, 109, and 111 are rejected under 35

U.S.C. 103(a) as being unpatentable over Pace-Bandini-Starbuck-Aiken as applied to

claims 1, 70, and 102 above, and further in view of Stolfo.

34.   Regarding claims 7, 76, and 108, Pace-Bandini-Starbuck-Aiken teaches the

invention substantially as claimed and described in claims 1, 70, and 102 above,

including performing a plurality of hashes on a plurality of variable-sized blocks of

information (Pace: Col. 4, lines 1-14), but fails to teach performing hashes on

attachments.

Stolfo teaches performing hashes on attachments (para. [0045]). It would have

been obvious to one of ordinary skill in the art at the time of applicant's invention to

perform hashes on attachments as taught by Stolfo in order to detect malicious

attachments.

35.   Regarding claims 8, 77, and 109, Pace-Bandini-Starbuck-Aiken teaches the

invention substantially as claimed and described in claims 1, 70, and 102 above,

including performing a plurality of hashes on a plurality of fixed-sized blocks of

information (Pace: Col. 4, lines 1-14), but fails to teach performing hashes on

attachments.

Stolfo teaches performing hashes on attachments (para. [0045]). It would have

been obvious to one of ordinary skill in the art at the time of applicant's invention to

perform hashes on attachments as taught by Stolfo in order to detect malicious

attachments.

36.   Regarding claims 10, 79, and 111, Pace-Bandini-Starbuck-Aiken teaches the invention substantially as claimed and described in claims 1, 70 and 102 above, but fails to teach performing hashes on attachments.

Stolfo teaches performing hashes on attachments using a single hash function ('MD5', para. [0045]). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to perform hashes on attachments as taught by Stolfo in order to detect malicious attachments.

37.   Claims 9, 78, and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pace-Bandini-Starbuck-Aiken as applied to claims 1, 70 and 102 above, and further in view of Stolfo and Cohen.

38.   Regarding claims 9, 78, and 110, Pace-Bandini-Starbuck-Aiken teaches the invention substantially as claimed and described in claims 1, 70, and 102 above, but fails to teach performing hashes on attachments.

Stolfo teaches performing hashes on attachments (para. [0045]). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to perform hashes on attachments as taught by Stolfo in order to detect malicious attachments.

Pace-Bandini-Starbuck-Aiken-Stolfo fails to teach performing a plurality of hashes using a plurality of different hash functions. Cohen discloses employing multiple hash functions (Col. 2, lines 1-21) (describing Bloom). It would have been obvious to

one of ordinary skill in the art at the time of applicant's invention to employ multiple hash

functions as disclosed in Cohen in order to improve false alarm rates.

39.   Claims 16, 27, 85, 96, 117, and 128 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Pace-Bandini-Starbuck-Aiken as applied to claims 15, 26, 84,

95, 116, and 127 above, and further in view of U.S. Pat. No. 6,985,923 ("Bates").

40.   Regarding claims 16, 27, 85, 96, 117, and 128, Pace-Bandini-Starbuck-Aiken

teaches the invention substantially as claimed and described in claims 15, 26, 84, 95,

116, and 127 above, but fails to teach determining that an email message is potentially

unwanted when the main text matches a substantially higher number of emails than the

header hash. In other words, an email is unwanted when the same message is

received from different addresses.

        Bates teaches determining that a message is unwanted when the same message

is received from different senders (Col. 1, lines 22-30). It would have been obvious to

one of ordinary skill in the art at the time of applicant's invention to determine messages

to be unwanted when the same message is received from different senders as taught

by Bates in order to avoid duplicate messages.

41.   Claims 19-21, 88-90, and 120-122 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Pace-Bandini-Starbuck-Aiken as applied to claims 1, 70, and 102

above, and further in view of Schiavone.

42.   Regarding claims 19, 88, and 120, Pace-Bandini-Starbuck-Aiken teaches the

invention substantially as claimed and described in claims 1, 70, and 102 above, but

fails to teach generating and comparing hash values as a message is being received.

        Schiavone teaches performing hashing in real-time as the message is being

received (para. [0026]). It would have been obvious to one of ordinary skill in the art at

the time of applicant's invention to perform hashing in real-time as taught by Schiavone

in order to bouncing messages in real-time.

43.   Regarding claims 20, 89, and 121, Pace-Bandini-Starbuck-Aiken-Schiavone

teaches the invention substantially as claimed and described in claims 19, 88, and 120,

including:

        generating a suspicion score for the plurality of e-mail messages based on a

result of the counting of the number of the generated hash values corresponding to the

message body associated with the plurality of e-mail messages that match the hash

values corresponding to the message body associated with prior e-mail messages

(Bandini: Fig. 3; para. [0023]); and

        taking remedial action when the suspicion score of an e-mail message of the

plurality of e-mail messages is above a threshold (Bandini: Fig. 3; para. [0023]), the

taking remedial action including rejecting the e-mail message (Bandini: Fig. 2, Step 60).

44.   Regarding claims 21, 90, and 120, Pace-Bandini-Starbuck-Aiken-Schiavone

teaches the invention substantially as claimed and described in claims 20, 89, and 121,

including that rejecting occurs before the e-mail message is completely received

(Schiavone: para. [0026]).

45.   Claims 29, 98, and 130 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Pace-Bandini-Starbuck-Aiken as applied to claims 28, 97, and 129

above, and further in view of Bates.

46.   Regarding claims 29, 98, and 130, Pace-Bandini-Starbuck-Aiken teaches the

invention substantially as claimed and described in claims 28, 97, and 129 above, but

fails to teach determining that an email message is potentially unwanted when the main

text hash matches a substantially higher number of emails than the header hash. In

other words, an email is unwanted when the same message is received from different

addresses.

        Bates teaches determining that a message is unwanted when the same message

is received from different senders (Col. 1, lines 22-30). It would have been obvious to

one of ordinary skill in the art at the time of applicant's invention to determine messages

to be unwanted when the same message is received from different senders as taught

by Bates in order to avoid duplicate messages.

Allowable Subject Matter

47.   Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

48.   The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach deleting the e-mail with the highest suspicion score (e.g., most likely to be SPAM) when an incoming email exceeds a mail quota.

Response to Arguments

49.   Applicant's arguments filed 12/22/10 have been fully considered but they are not persuasive.

     a.   Applicant argues that claims 70-101 comply are directed towards statutory subject matter. Remarks p. 24. Applicant cites ¶ [0035] in support. Id. Applicant's argument is not persuasive because the cited portion provides only examples of what a computer readable medium may be. It does not explicitly exclude transitory media from the term "computer-readable medium".

     b.   Applicant argues that Starbuck fails to teach that stripping HTML comments and tags occur in parallel to the generation of hash values. Remarks p. 29. Applicant's argument rests on the fact that Starbuck fails to teach generating hash values. Id. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking

references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As shown above, Bandini teaches generating hash values. Starbuck teaches that the steps may be performed concurrently (i.e., in parallel). ¶ [0025]. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to perform the step of generating hash values as taught by Bandini in parallel with the steps of Starbuck.

c.   Applicant's remaining arguments are moot in view of the new ground(s) of rejection presented above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JULIAN CHANG whose telephone number is (571)272-8631. The examiner can normally be reached on Monday thru Friday 9AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on (571) 272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. C./

Examiner, Art Unit 2452

/THU NGUYEN/
Supervisory Patent Examiner, Art Unit 2452